

	<h1>User Updates</h1> <p>FEBRUARY 23, 2007</p>
<p>Feature Topic:</p>	<h2>DOE RULE 10 CFR Parts 850 &amp; 851</h2>

**NEW FEDERAL LAW IN EFFECT:** BNL can be fined for violations under DOE Rule 10 CFR, Parts 850 and 851 <http://www.hss.energy.gov/healthsafety/WSHP/rule851/rule.pdf> which took affect February 9, 2007.

Failure to comply with this Rule can have serious financial consequences to the Laboratory. The Rule allows DOE to fine its national laboratories up to \$70,000 per violation, per day, for failing to comply with these standards.

This rule is extensive and contains requirements for such activities as construction, fire protection, explosives safety, pressure safety, industrial hygiene, biological safety, occupational medicine, motor vehicle safety, electrical safety, nanotechnology safety, and workplace violence prevention. **EVERYONE** needs to take this seriously.

Guests are an integral part of Brookhaven's work force and as such BNL relies on its guests to be as vigilant about safety concerns as if they were employees of BNL. Now more than every before it is imperative that all guests follow the requirements in the safety-related procedures, training, job risk assessments, work planning, work permits and experimental safety reviews.

### **Background Information**

Simply put this rule mandates BNL to provide a place of employment that is free from recognized hazards that are causing or have the potential to cause death or serious physical harm to workers and ensure that work is performed in compliance with all applicable requirements (e.g., OSHA, NFPA, ANSI, ASME, ACGIH, to name a few). Further details about the rule can be found at:  
<http://www.hss.energy.gov/HealthSafety/wshp/rule851/851final.html> .

Brookhaven has identified gaps between the rule's requirements and BNL's safety and health programs and corrective action plans are currently being implemented and/or are being prepared.

Proper work planning that includes worker and supervisor input is key to this effort. If work cannot be done in accordance with the requirements in a particular subject area, the supervisor must notify the point of contact for that subject area to have the work reviewed. Employees and guests are urged to speak with their supervisor/host if they have any questions or concerns about the rule, or any safety or occupational health issue. ***IF IN DOUBT, STOP AND ASK.***



Questions and/or comments on this issue of Users' Updates should be directed to: Susan White-DePace, 631-344-7959 or [swd@bnl.gov](mailto:swd@bnl.gov) .

## **Important Facts to Know**

- There are no grandfather clauses for pre-existing conditions.
- Employees/guests must be notified of their rights and responsibilities under 10 CFR 851. A list of worker rights under the new DOE rule follow:
  - You have the right to notify your employer or the local DOE office about workplace hazards, without appraisal. You may ask that your name not be used.
  - You have the right to participate in the activities referencing 10 CFR 851 “Worker Safety and Health Program,” on official time.
  - You have the right to access copies of DOE worker protection publications; the worker safety and health program for your workplace; and the standards, controls, and procedures that apply to your workplace.
  - You have the right to have access to some accident and illness recordkeeping logs and the information in records of any workplace illness or injury that you experienced.
  - You have the right to observe monitoring or measuring of hazardous agents, to receive the results of your own monitoring, and be notified when monitoring results indicate an overexposure.
  - You have the right to have a representative accompany the DOE’s Director for enforcement or the Director’s authorized personnel during the inspection of your workplace.
  - You have the right to request and receive results of inspections and accident investigations.
  - You have the right to decline to perform an assigned task because of your reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious physical harm to you, coupled with your reasonable belief that there is insufficient time to seek effective redress through the normal hazard reporting and abatement procedures.
- Employees and guests who observe unsafe conditions should call the Environment, Safety & Health hotline, Ext. 8800.
- Employees and guests also have the right to go directly to DOE with any concerns.

**Questions** can always be directed to anyone of the following:

- Your supervisor, host or manager.
- The building manager for unsafe conditions in and around your building.
- Your department ES&H Coordinator.
- Pat Williams, Manager, Safety & Health Services Division, ext. 8211, or e-mail [pw@bnl.gov](mailto:pw@bnl.gov).
- Jim Tarpinian, Director of ESH&Q, ext. 8370, or e-mail [tarpinian@bnl.gov](mailto:tarpinian@bnl.gov).
- Call the BNL ES&H Hotline, 631-344-8800.



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